

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

CHARTER

NATIONAL BOATING SAFETY ADVISORY COUNCIL

PURPOSE. This charter renews the National Boating Safety Advisory Council pursuant to the Federal Advisory Committee Act (5 U.S.C. App. 2) and sets forth regulations for its operation. The use of the Council is necessary for the performance of Coast Guard functions.

SCOPE AND OBJECTIVE. The Council shall advise the Coast Guard with regard to major boat safety matters related to the Federal Boat Safety Act of 1971 (as recodified in Subtitle II of Title 46, U. S. Code). Those matters shall include all new regulations and standards issued under the Act. The Council shall not exercise program management responsibility. The advice of the Council shall be the result of its independent, collective judgment. There is no other council, committee or Government agency that can adequately perform the function of this Council.

DUTIES. The Council shall advise the Commandant on the need for formulating and prescribing regulations establishing minimum safety standards for recreational boats and associated equipment. The Council shall advise and report to the Commandant concerning: (1) the need for and extent to which the standards or regulations will contribute to recreational boating safety; (2) relevant available boat safety standards, statistics and data, including public and private research, development, testing and evaluation; and (3) whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed.

The Council shall furnish the Commandant with its comments on disputed cases (referred to the Council by the Commandant) involving the statutory requirement that manufacturers notify purchasers and distributors when any boat or associated equipment fails to comply with an applicable standard or contains a defect which relates to safety.

In addition, the Council shall advise the Commandant on any other major boat safety matters referred to it. These additional matters may include such items as policy on boating education, operator licensing, personal flotation device use, casualty reporting, boat numbering, boat occupant protection, waterway use conflicts, effective date and application of standards and regulations and legislative amendments.

DURATION. Continuing.

OFFICIAL TO WHOM COUNCIL REPORTS. Commandant, U.S. Coast Guard, through its Sponsor.

SPONSOR AND OFFICE OF SUPPORT. The Director of Operations Policy shall be the sponsor, and that office shall furnish support services.

ESTIMATED ANNUAL COST. \$88,000, including six-tenths (6/10) person-year.

MEMBERSHIP. The Council shall consist of 21 members appointed by the Secretary of Transportation upon recommendation by the Commandant. Each member shall have a particular expertise, knowledge, and experience in recreational boating safety. The membership of the Council shall consist of: (A) 7 representatives of State officials responsible for State boating safety programs; (B) 7 representatives of recreational vessel manufacturers and associated equipment manufacturers; and (C) 7 representatives of national recreational boating organizations and from the general public, at least 5 of whom shall be representatives of national recreational boating organizations. Additional persons from those sources may be appointed by the Commandant to panels of the Council to assist the Council in performing its duties. The terms of the members shall be for up to three years, and a member normally will not be appointed to more than two consecutive terms. A member may serve until a successor has been appointed. Terms shall be staggered with one-third of the terms expiring each year.

The Secretary of Transportation is authorized and encouraged to designate a representative to participate as an observer on the Committee.

To ensure that the recommendations of the Council have taken into account the needs of diverse groups served by the Department, membership shall include, to the extent practicable, individuals and/or organizations to represent minorities, women and persons with disabilities.

OFFICERS. The Chair of the Council shall be chosen from among the membership by the Sponsor. The Sponsor shall also designate an Executive Director and may designate other officers as needed, including a Vice-Chair of the Council. The Executive Director is a full time salaried officer or employee of the Coast Guard who will furnish administrative and staff support to the Council.

MEETINGS. The Council may hold meetings as required. The norm is two meetings a year. Meetings of members of the Council or a subcommittee that are convened solely to gather information, conduct research, or analyze relevant issues and facts for the Council or subcommittee or to draft proposed position papers for deliberation by the Council or subcommittee are not covered by the requirements of Federal Advisory Committee Act and may only be videotaped or recorded by the Sponsor, Executive Director, or their designee.

COMPENSATION. Members of the Council may be paid travel and per diem as allowed by current practice.

SUBCOMMITTEES. With the approval of the Executive Director, the Chair of the Council may establish subcommittees to perform specific assignments. The Chair of the Council designates the chair of each subcommittee from the members of the Council. The Chair of the Council designates the other members of the subcommittee from either the Council or the public.

RECORDS AVAILABILITY. Subject to Section 552 of Title 5, U.S.C., the records, reports, minutes, agenda or other documents shall be made available for public inspection and copying at a single location in the offices of the Executive Director.

FILING DATE. January 17, 2003 , is the effective date of this charter, which will expire two years from this filing date unless sooner terminated or extended.